

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TIMOTHY MCNEAL

v.

UNITED STATES OF AMERICA

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: CIVIL NO. CCB-19-1850
: Criminal No. CCB-16-0606
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MEMORANDUM

Federal prison inmate Timothy McNeal was convicted by a jury of multiple offenses including armed bank robbery. On May 30, 2018 he was sentenced to 228 months in prison. His timely appeal was denied by the Fourth Circuit. 763 Fed. Appx. 307 (4th Cir. 2019). In June 2019 he filed the pending motion to vacate under 28 U.S.C. § 2255. The government has responded, and McNeal has replied. No evidentiary hearing is necessary.

It is clear from the record that McNeal's claims are without merit. First, the cell site location information was lawfully obtained by a search warrant, and would have been admissible even if obtained by court order. *See United States v. Chavez*, 894 F.3d 593, 608 (4th Cir. 2018). Second, appellate counsel was not ineffective for failing to raise meritless arguments, including the violation of the Confrontation Clause that McNeal now asserts. The cooperating individual was a mere "tipster" who did not testify at trial, and accordingly there was no constitutional violation.

For the above reasons, the motion to vacate will be denied. A separate Order follows.

9/20/19
Date

CCB/s/
Catherine C. Blake
United States District Judge